

REMARKS

This is a supplemental amendment and a supplemental response to the Restriction requirement mailed on June 30, 2004. Claims 1-15 are pending.

Applicants thank the Examiner for the courtesy of the brief telephone call held August 12, 2004, in which the Examiner confirmed that Applicants could change the election of claims in the present application.

In the Amendment and Response to Restriction Requirement mailed on July 29, 2004, the Examiner requested restriction under 35 USC Section 121 to one of the listed five Groups. In the Response filed July 29, 2004, Applicants elected Group V (claims 1-15, in part, drawn to an isolated antibody that binds to a polypeptide at least 80% identical to SEQ ID NO: 10, monoclonal antibodies, antibody fragments, humanized or chimeric antibodies, and labeled antibodies, classified in class 530, subclass 387.1). Applicants now wish to change the election to Group III (claims 1-15, in part, drawn to an isolated antibody that binds to a polypeptide at least 80% identical to SEQ ID NO: 8, monoclonal antibodies, antibody fragments, humanized or chimeric antibodies, and labeled antibodies, classified in class 530, subclass 387.1). The Examiner confirmed that Applicants could change the election.

Applicants hereby elect Group III (claims 1-15, in part) without traverse for further prosecution. With this election, claims 1-15 are pending. Applicants request further examination on the merits. Applicants expressly reserve the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the instant application.

Claims 1-15 are amended to direct the claims to the invention of Group III. The specification is amended to list the documents to which priority is claimed in the present application. No new matter is added by these amendments. Entry of these amendments is respectfully requested. With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any objection and/or rejection made by the Office. Applicants expressly reserve the right to pursue prosecution of any subject matter or embodiments not presently claimed in one or more future or pending continuation and/or divisional applications.

Related application

Applicants direct the Examiner's attention to co-pending co-owned U.S. Patent Application No. 10/145,128, filed on October 19, 2001.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to our Deposit Account No. 07-0630.

Respectfully submitted,
GENENTECH, INC.

Date: Aug 13, 2004

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